

**EIGHTY-FIFTH GENERAL ASSEMBLY  
2013 REGULAR SESSION  
DAILY  
HOUSE CLIP SHEET**

MAY 8, 2013

**SENATE FILE 338**

**H-1440**

1 Amend Senate File 338, as passed by the Senate, as  
2 follows:  
3 1. Page 1, before line 1 by inserting:  
4 <Section 1. NEW SECTION. 137G.1 Food vendor ----  
5 motor vehicle ---- background check.  
6 1. A business that operates a motor vehicle  
7 primarily marketing the sale and dispensing of ice  
8 cream or other food products from or near the motor  
9 vehicle to children may require an applicant for  
10 employment or employee of the business to be subject to  
11 a criminal history and abuse registry record background  
12 check. The business shall perform the background check  
13 by accessing the single contact repository established  
14 under section 135C.33, subsection 6.  
15 2. The business shall inform the applicant or  
16 employee of the requirement of the background check  
17 required under subsection 1 and obtain a signed waiver  
18 from the applicant or employee prior to requesting such  
19 a check.  
20 Sec. \_\_\_\_\_. Section 235A.15, subsection 2, paragraph  
21 e, Code 2013, is amended by adding the following new  
22 subparagraph:  
23 NEW SUBPARAGRAPH. (24) To a business which is  
24 authorized to perform a background check pursuant to  
25 section 137G.1.  
26 Sec. \_\_\_\_\_. Section 235B.6, subsection 2, paragraph  
27 e, Code 2013, is amended by adding the following new  
28 subparagraph:  
29 NEW SUBPARAGRAPH. (19) To a business which is  
30 authorized to perform a background check pursuant to  
31 section 137G.1.>  
32 2. Page 1, by striking lines 5 and 6 and inserting  
33 <review the sex offender registry>  
34 3. Page 1, by striking lines 12 through 16 and  
35 inserting <district shall implement a consistent policy  
36 to follow the same procedure for each school employee  
37 employed by the school district on or after July  
38 1, 2013, at least every five years after the school  
39 employee's date of hire. A school district shall not  
40 charge>  
41 4. Page 2, after line 1 by inserting:  
42 <Sec. \_\_\_\_\_. Section 298.4, subsection 1, Code 2013,  
43 is amended by adding the following new paragraph:  
44 NEW PARAGRAPH. f. To pay the cost of background  
45 investigations under section 279.69.>  
46 5. Page 2, line 6, by striking <257.16> and  
47 inserting <257.16, or from the district management levy  
48 under section 298.4>  
49 6. Title page, line 1, after <employees> by  
50 inserting <and certain food vendors>

**H-1440**

H-1440

Page 2

1 7. By renumbering as necessary.

By HESS of Clay

H-1440 FILED MAY 7, 2013

SENATE FILE 406

H-1442

1 Amend the amendment, H-1251, to Senate File 406, as  
2 passed by the Senate, as follows:

3 1. Page 1, after line 15 by inserting:

4 <\_\_\_\_. Page 1, line 13, after <law.> by inserting  
5 <The person appointed as administrator must meet the  
6 qualifications to be appointed as a mental health  
7 advocate.>>

8 2. Page 1, line 19, by striking <employed by a  
9 county> and inserting <serving>

10 3. Page 1, by striking lines 25 and 26 and  
11 inserting:

12 <\_\_\_\_. Page 1, line 29, by striking <advocates.>  
13 and inserting <advocates and for reassigning advocate  
14 responsibilities based on the location of the patient's  
15 placement or other patient need. The court shall be  
16 notified of any reassignment. The procedures for  
17 filling a vacant mental health>>

18 4. Page 1, after line 29 by inserting:

19 <\_\_\_\_. Page 2, after line 2 by inserting:  
20 <7. Implementing a uniform job description based  
21 upon the best practices for the duties of a mental  
22 health advocate developed and promulgated by the  
23 judicial council pursuant to section 229.19, subsection  
24 1, paragraph "c".>>

25 5. Page 1, by striking lines 36 through 40 and  
26 inserting:

27 <\_\_\_\_. Page 3, by striking lines 10 through 19 and  
28 inserting:

29 <Sec. \_\_\_\_\_. Section 229.2, subsection 1, paragraph  
30 b, subparagraph (6), Code 2013, is amended to read as  
31 follows:

32 (6) Upon approval of the admission of a minor  
33 over the minor's objections, the juvenile court  
34 shall appoint an individual to act as an advocate  
35 representing the interests of the minor in the same  
36 manner as ~~an~~ a mental health advocate representing  
37 the interests of patients involuntarily hospitalized  
38 ~~pursuant to in accordance with~~ section 229.19.>>

39 6. Page 2, line 19, after <employees> by inserting  
40 <or independent contractors>

41 7. By renumbering as necessary.

By HEATON of Henry

H-1442 FILED MAY 7, 2013

SENATE FILE 432

H-1441

1 Amend Senate File 432, as passed by the Senate, as  
2 follows:  
3 1. Page 4, after line 16 by inserting:  
4 <DIVISION \_\_\_\_  
5 EDUCATIONAL INSTITUTION PROPERTY TAX EXEMPTION  
6 Sec. \_\_\_\_\_. EDUCATIONAL INSTITUTION PROPERTY TAX  
7 EXEMPTION ---- FILING. Notwithstanding the requirement  
8 for the filing of a statement claiming the property  
9 tax exemption by February 1 as provided in section  
10 427.1, subsection 9, for the assessment year beginning  
11 January 1, 2013, the statement claiming the exemption  
12 under section 427.1, subsection 9, for property owned  
13 by an educational institution as part of its endowment  
14 fund that was acquired by the educational institution  
15 from a governmental entity after January 1, 2012, and  
16 that is located in a county having a population of  
17 at least two hundred thousand but not more than two  
18 hundred fifty thousand according to the 2010 federal  
19 decennial census, shall be filed not later than thirty  
20 days following the effective date of this division of  
21 this Act.  
22 Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. This division  
23 of this Act, being deemed of immediate importance,  
24 takes effect upon enactment.  
25 Sec. \_\_\_\_\_. RETROACTIVE APPLICABILITY. This division  
26 of this Act applies retroactively to January 1, 2013,  
27 for assessment years beginning on or after that date.>  
28 2. Title page, line 4, by striking <taxes> and  
29 inserting <taxes, and including effective date and  
30 retroactive applicability provisions>  
31 3. By renumbering as necessary.

By WINDSCHITL of Harrison  
T. OLSON of Linn

H-1441 FILED MAY 7, 2013



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**HF 527** – DNA Sampling (LSB 1176HV)

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Fiscal Note Version – As amended and passed by the Senate

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**Description**

**House File 527** requires a person convicted of an aggravated misdemeanor to submit a DNA sample if the offender is 18 years of age or older. This Bill exempts [Iowa Code chapter 321](#) (motor vehicle) offenses, Iowa Code section 321J.2 second offense violations, and offenses under Iowa Code chapters 716B, 717A, and Iowa Code section 725.7. This Bill takes effect July 1, 2014 (FY 2015), and does not apply retroactively to offenders currently under supervision.

**Background**

- The current DNA profiling program applies to persons with a deferred judgment or conviction for a felony; a sexually violent predator; a person found not guilty by reason of insanity for an offense that requires DNA profiling; a juvenile adjudicated delinquent for an offense that requires DNA profiling; a person required to register as a sex offender; or a person in custody, control, or jurisdiction of a supervising agency prior to June 14, 2005, with an offense that requires DNA profiling.
- The DNA kits are provided by the Department of Public Safety (DPS) and are paid from the General Fund appropriation to the Division of Criminal Investigation (DCI). The total cost for one DNA kit is \$26.46 (includes the kit, analysis samples, and equipment maintenance costs). The DPS provides the DNA kits to the Department of Corrections (DOC) and to county jails.
- Aggravated misdemeanor sex offenders are currently required to give DNA and are excluded from the following percentages. According to the Justice Data Warehouse for FY 2012, the following shows DNA required under the Bill broken down by race:
  - 68.8% Caucasian
  - 18.5% Black
  - 3.9% Hispanic
  - 1.6% Native American
  - 0.6% Asian
  - 1.1% other races
  - 5.5% unknown

**Assumptions**

- All offenders that have previously provided a DNA sample are not included in this estimate.
- There are an estimated 8,800 aggravated misdemeanants. Removing all offenders convicted of Iowa Code chapter 321 offenses, Iowa Code section 321J.2 second offense, Iowa Code chapters 716B, 717A, and Iowa Code section 725.7, and juveniles waived to adult court from the offenders eligible to provide a DNA sample under this Bill results in 5,600 misdemeanants.
- Of this amount, 86.0% of the samples will be taken at the county sheriff offices and the remainder will be taken by the DOC.
- The DPS will require an additional 1,400 kits to be utilized for control studies.

- The DPS will require 2.0 FTE positions. The salary and benefits for one entry-level criminalist is \$71,000.
- The impact on minorities will remain consistent with current data.

### **Fiscal Impact**

The following table shows the increased General Fund cost to the DPS for FY 2015 and FY 2016.

	<b><u>FY 2015</u></b>	<b><u>FY 2016</u></b>
DOC and CBC Offenders	800	800
Sheriffs Offices	4,800	4,800
DPS Control Kits	1,400	1,400
Total Kits	7,000	7,000
Price per kit	x \$26.46	x \$26.46
Total Sample Costs	\$185,000	\$185,000
2.0 FTE Positions	142,000	142,000
Total	<u>\$327,000</u>	<u>\$327,000</u>

### **Sources**

Department of Human Rights, Criminal and Juvenile Justice Planning Division  
 Department of Public Safety  
 Department of Corrections  
 Attorney General's Office

/s/ Holly M. Lyons

May 6, 2013

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.